

214507

**NORFOLK SOUTHERN CORPORATION  
THREE COMMERCIAL PLACE  
NORFOLK, VA 23510**

**James R. Paschall  
Senior General Attorney**

Direct Dial Number  
(757) 629-2759  
fax (757) 533-4872

August 8, 2005

**Via Federal Express**

Honorable Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20006

Re: STB Docket No. AB-290 (Sub-No. 264X), Norfolk Southern Railway  
Company - Discontinuance of Service - Between Foxville and Hasskamp,  
Sumter County, South Carolina - Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the subject docket is an original and ten copies of Norfolk Southern Railway Company's Verified Notice of Exemption. Also, enclosed is a check in the amount of \$3,000 for the filing fee.

NSR's intention is to file this Notice of Exemption on August 10, 2005. If the Board receives this filing before August 10, 2005, NSR requests that the filing date be postponed to August 10, 2005.

Please acknowledge receipt of this filing on the enclosed copy of this letter and return it to me in the self-addressed, stamped envelope.

Yours very truly,

*James R. Paschall*  
James R. Paschall

**FILED**

Enclosures

AUG 10 2005

SURFACE  
TRANSPORTATION BOARD

1

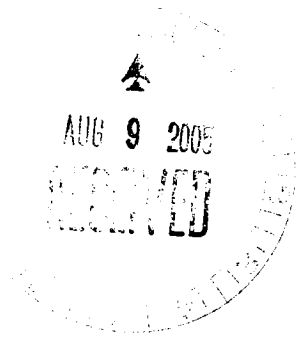
ENTERED  
Office of Proceedings

AUG 10 2005

Part of  
Public Record

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. AB-290 (SUB-NO. 264X)  
NORFOLK SOUTHERN RAILWAY COMPANY  
-- DISCONTINUANCE OF SERVICE EXEMPTION --  
BETWEEN FOXVILLE AND HASSKAMP,  
SUMTER COUNTY, SOUTH CAROLINA

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VERIFIED NOTICE OF EXEMPTION

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James R. Paschall  
Senior General Attorney  
Norfolk Southern Railway Company  
Three Commercial Place  
Norfolk, VA 23510

(757) 629-2759

Attorney for  
Norfolk Southern Railway Company

Dated: August 8, 2005



Before the  
Surface Transportation Board

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Docket No. AB-290 (Sub-No. 264X)

Norfolk Southern Railway Company

-- Discontinuance of Service Exemption --

Between Foxville and Hasskamp,  
Sumter County, South Carolina

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Verified Notice of Exemption

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COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §10903, pursuant to the provisions of 49 U.S.C. §10502 and 49 CFR §1152.50, for the discontinuance of service over its line of railroad lying between Milepost SB-12.20 at Foxville and Milepost SB-22.00 at Hasskamp, in Sumter County, South Carolina (the "Line").

Pursuant to the Board's regulations codified at 49 CFR §1152.50, NSR states as follows:

**Traffic Certification - §§1152.50(b) and (d)(2)**

As the attached certificate of NSR General Manager V. W. Mason confirms, no traffic has originated, terminated or moved overhead on this line segment for at least

two years, and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this Line within the two-year period prior to the filing date of this Notice of Exemption.

**Consummation Date - §1152.50(d)(2)**

The effective date of the discontinuance of service over the NSR Line between Milepost SB-12.20 at Foxville and Milepost SB-22.00 at Hasskamp, South Carolina, will be September 29, 2005.

**General Corporate Information - §1152.22(a)(1-2) and (7)**

The full name of the party filing this Notice of Exemption is Norfolk Southern Railway Company (NSR), a Virginia corporation. NSR is a common carrier by railroad subject to STB jurisdiction under Title 49 of the United States Code, Subtitle IV, Chapter 105. NSR's representative to whom correspondence with respect to this Notice of Exemption may be sent is:

James R. Paschall  
Senior General Attorney  
Norfolk Southern Railway Company  
Three Commercial Place  
Norfolk, Virginia 23510  
(757) 629-2759

**Description of the Line and the Relief Sought - §1152.22(a)(3-4 and 7)**

The relief sought is an exemption for NSR's discontinuance of service over the Line. The Line for which the discontinuance of service exemption is sought consists of

9.80 miles of track between Milepost SB-12.20 at Foxville and Milepost SB-22.00 at Hasskamp, Sumter County, South Carolina. A map showing the line over which service is to be discontinued, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Codes 29150, 29153 and 29514.

**Suitability of the Line for Other Public Purposes - §1152.22(e)(4)**

Because this is a discontinuance of service proceeding and not an abandonment proceeding, there is no need to provide an opportunity for trail use/rail banking or public use condition requests.<sup>1</sup> Thus, this item is not relevant to the exemption sought in this docket.

**Statement Concerning Federally-Granted Right-of-Way - §1152.50(d)(1)**

Based on information in the possession of NSR, the Line does not contain federally-granted rights-of-way. Any documentation in NSR's possession will be made available promptly to those requesting it.

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<sup>1</sup>Recent Board notices of exemption stating this principle are STB Docket No. AB-55 (Sub-No. 654X), *CSX Transportation, Inc. – Discontinuance of Service Exemption – In Washington, DC*, served September 20, 2004; STB Docket No. AB-33 (Sub-No. 212X), *Union Pacific Railroad Company – Discontinuance of Service and Trackage Rights Exemption – In Los Angeles and Orange Counties, CA*, served March 31, 2004.

**Labor Protection - §1152.50(d)(2)**

Since the Line has been out of service for over two years, NSR believes no employees will be adversely affected by the discontinuance of service over this Line. However, as a condition to the grant of the exemption and exercise of the discontinuance permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

**Environmental and Historic Reports; Certifications - §1105.6, §1105.7, §1105.8, §1105.9 and §1105.11**

Because this is a discontinuance of service proceeding and not an abandonment proceeding, no environmental or historic documentation is required under 49 CFR 1105.6(c)(2) and 49 CFR 1105.8 and no transmittal letter is required under 49 CFR 1105.11<sup>2</sup>. Further STB approval is required for NSR to abandon the Line.

**Service and Newspaper Notice Requirements Certification - §1152.50(d)(1-2)**

As the attached certification indicates, NSR certifies that the service and notice requirements of §1152.50(d)(1)(certain governmental agencies) and §1105.12 (newspaper notice) have been complied with.

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<sup>2</sup>Recent Board notices of exemption stating this principle are STB Docket No. AB-55 (Sub-No. 654X), *CSX Transportation, Inc. – Discontinuance of Service Exemption – In Washington, DC*, served September 20, 2004; STB Docket No. AB-33 (Sub-No. 212X), *Union Pacific Railroad Company – Discontinuance of Service and Trackage Rights Exemption – In Los Angeles and Orange Counties, CA*, served March 31, 2004.

## Offers of Financial Assistance

Because this is a discontinuance proceeding and not an abandonment proceeding, the Board need not consider offers of financial assistance (OFAs) to acquire the line for continued rail service.<sup>3</sup>

For the foregoing reasons, NSR states that the proposed discontinuance of service over the subject rail Line is exempt from the prior approval requirements of 49 U.S.C. §10903 pursuant to the class exemption set forth in 49 C.F.R. §1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,



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David A. Brown  
Vice President Strategic Planning  
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall  
Senior General Attorney  
Norfolk Southern Railway Company  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
(757) 629-2759

Attorney for Norfolk Southern Railway Company

Dated: August 8, 2005

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<sup>3</sup>See STB Docket No. AB-55 (Sub-No. 641X), *CSX Transportation Inc. - Discontinuance Exemption in Knox County, TN*, served January 2, 2004.

VERIFICATION

COMMONWEALTH OF VIRGINIA :

SS:

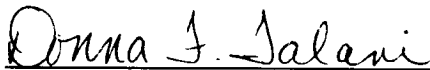
CITY OF NORFOLK :

David A. Brown, being duly sworn, deposes and says that he is Vice President Strategic Planning of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in STB Docket No. AB-290 (Sub-No. 264X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.



David A. Brown

Subscribed and sworn to before me  
this 3rd day of August, 2005.



Notary Public

My commission expires:

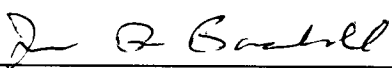
My Commission Expires April 30, 2007

[SEAL]



## CERTIFICATION

I hereby certify that (1) pursuant to 49 C.F.R. §1105.12, a notice of intent to discontinue rail service was published in *The Item*, Sumter, South Carolina, on July 13, 2005, (see Exhibit 2); and (2) that the notice required by 49 C.F.R. §152.50(d)(1) was given (see Exhibit 3).

  
\_\_\_\_\_  
James R. Paschall

Dated: August 8, 2005

## CERTIFICATION

STATE OF GEORGIA :

**SS:**

CITY OF ATLANTA :

V. W. Mason makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between milepost SB-12.20 at Foxville, South Carolina and milepost SB-22.00 at Hasskamp, South Carolina, over which service is to be discontinued, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

V. W. Mason  
V. W. Mason

Subscribed and sworn to before me  
this 22<sup>ND</sup> day of July, 2005.


Mary R Kishen  
Notary Public

My commission expires:

~~Notary Public, Fulton County, Georgia  
My Commission Expires June 9th 2008~~

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Chairman, South Carolina Public Service Commission; Regional Director, National Park Service; the United States Department of Defense (MTMCTEA); National Park Service, Recreation Resources Assistance Division; National Park Service, Land Resources Division; and U. S. Department of Agriculture, Chief of the Forest Service; on August 8, 2005, by first class mail, postage prepaid.

  
\_\_\_\_\_  
James R. Paschall

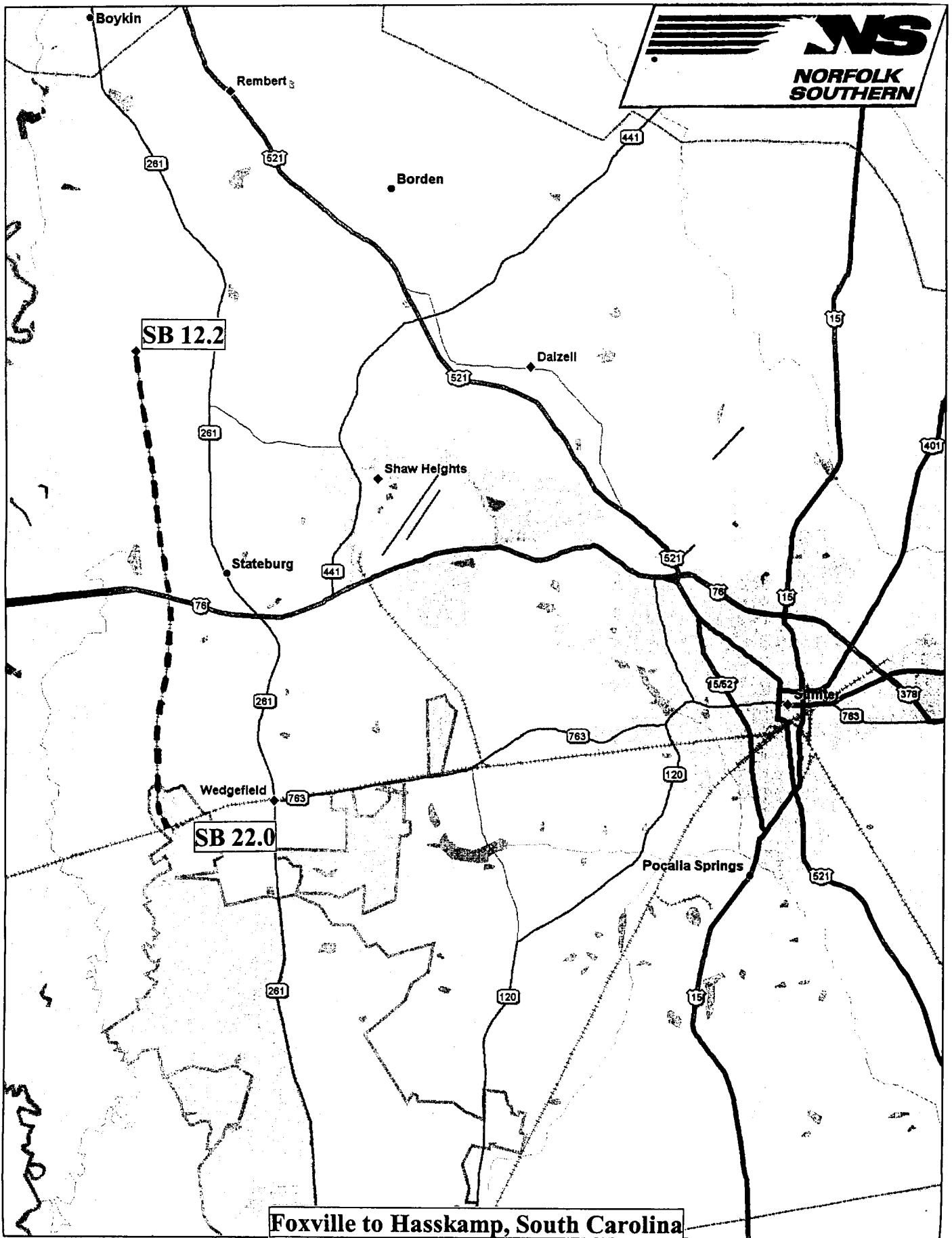




Exhibit 2

Published daily by Osteen Publishing Co., Inc.

P.O. Box 1677 • 20 N. Magnolia Street • Sumter, S.C. 29151 • (803) 775-6331

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

**PRINTER'S AFFIDAVIT**

Norfolk Southern Corp.  
Three Commercial Place

Norfolk VA 23510

Personally appeared before me



**Joyce Geddings, Legal Clerk**

who being duly sworn, says she is a  
Bookkeeping Clerk of the OSTEEN  
PUBLISHING CO., Publisher of THE ITEM,  
A Newspaper published in said state and  
county and that advertisement

**Intent to Disc. Rail Service(Sumter Co.)**

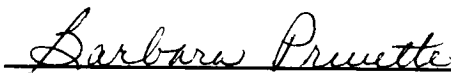
**0000145834**

was published in said newspaper on

7/13/2005

and a copy of advertisement is attached.

Sworn to before me this 18 th  
day of July, 2005.



Notary Public for South Carolina

My Commission Expires

Oct. 03, 2013

**NOTICE  
OF INTENT TO  
DISCONTINUE  
RAIL SERVICE**

**Norfolk Southern Railway Company** gives notice that on or about August 10, 2005, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the discontinuance of service over a 9.80 - mile line of railroad between milepost SB-12.20 at Foxville, and SB-22.00 at Hasskamp, which traverses through United States Postal Service ZIP Codes 29150, 29153 and 29154, in Sumter County, South Carolina. The proceeding will be docketed as No. AB-290 (Sub-No. 264X).

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking / trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at (202) 927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Pascall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23502-4000, (757) 620-3700.



Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510-9241

Exhibit 3

James R. Paschall  
Senior General Attorney

Writer's Direct Dial Number

(757) 629-2759

July 26, 2005

Chairman  
South Carolina Public  
Service Commission  
P. O. Drawer 11649  
Columbia, SC 29211

Regional Director  
National Park Service  
100 Alabama St. SW  
1924 Building  
Atlanta, GA 30303

MTMCTEA  
Attn: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

National Park Service  
Recreation Resources Assistance Division  
1849 C Street, N. W. (2310)  
Washington, DC 20240-0001

U. S. Department of Agriculture  
Chief of the Forest Service  
Sidney R. Yates Federal Building  
1400 Independence Ave., SW  
Washington, DC 20250-0003

Mr. William Shaddox  
National Park Service  
Land Resources Division  
1849 C Street, N. W. #MS3540  
Washington, DC 20240

Re: STB Docket No. AB-290 (Sub-No. 264X), Norfolk Southern Railway Company –  
Discontinuance of Service in Sumter County, South Carolina

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about August 10, 2005, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's discontinuance of service over a 9.80-mile line of railroad lying between milepost SB-12.20 in Foxville and milepost SB-22.00 in Hasskamp, Sumter County, South Carolina (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall

JRP:kch  
Enclosure